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March 25, 2024

By ECF and Email

Honorable Alan S. Trust
U.S. Bankruptcy Court for the Eastern District of New York
Alfonse M. D'Amato Federal Courthouse
290 Federal Plaza
Central Islip, New York 11722

Re: In re Absolut Facilities Management, LLC 19-bk-76260-ast

Dear Judge Trust:

We represent the Plan Administrator Ronald Winters of Gibbins Advisors, LLC herein and write to request an adjournment of the status conference scheduled for April 4, 2024, to September 2024.

The reason for the requested adjournment is: Under Section 6 of the Asset Purchase Agreement [Dkt. 432 Exhibit C], the buyer RCA Healthcare Management LLC (“RCA”) agreed to close only after receipt of (1) approval by the New York State Department of Health (“DOH”) of the certificate of need (“CON”) applications seeking DOH approval of the subject transaction¹ and (2) HUD approval. (See also APA §§ 12.4 and 13.4, providing said approval are conditions to closing.)

Based on discussions with RCA, we had expected the CON applications to be considered at the Public Health and Health Planning Council Committee meeting that had been scheduled for January 2024 (schedule linked [here](#)), such that we would be in a position to report on transaction status by now, and provide an estimate as to when we anticipated DOH approval being received and an anticipated timeline for closing. However, said applications were not considered at the January 2024 meeting, nor are they on the agenda for the March 2024 meeting. As things stand, we do not know if the CON applications will be considered at the June or August 2024 meeting. Out of an abundance of caution, we therefore request an adjournment of the status conference to September 2024.

We thank the Court for its consideration of this requested adjournment,

/s/ Jeffrey Chubak

cc: counsel of record

¹ The status of RCA's CON applications can be tracked [here](#). Type Absolut into “Facility Name” field, RCA into “Operator Name” field and click search.